(157)

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 5892 of 2007

PETITIONER Harris Peter, S/o Shri L. Peter, Aged 53 years, working as Inspector, Government Railway Police, Bilaspur, R/o Jarhabhata, Bilaspur (Chhattisgarh)

Versus

RESPONDENTS

1. State of Chhattisgarh, through the Secretary, Department of Home (Police), D.K.S. Bhawan, Raipur (Chhattisgarh)
2. Director General of Police, Police Headquarters, Raipur (Chhattisgarh)
3. Superintendent of Police, District Koriya (Chhattisgarh)
4. City Superintendent of Police Chirimiri, District Koriya (C.G.)
5. Dr. Mahmood Nayyar Azam, S/o Late Shri Md. Ishaque, aged about 55 years, R/o West Chirimiri Colliery, Post – Chirimiri, District Koriya (Chhattisgarh)
6. Anant Ram Sahu, aged about 50 years, S/o Shri Sahu, working as Assistant Sub-Inspector, P.S. Kotwali, Raigarh (Chhattisgarh)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri R.S. Marhas, Counsel for the petitioner.

Ms. Sunita Jain, Panel Lawyer for the State on advance copy/respondents No. 1 to 4.

ORAL ORDER
(05.10.2007)

SUNIL KUMAR SINHA, J

Heard.

This petition has been filed for quashing of the proceedings initiated against the petitioner under Section 29 of the Police Act, 1861, by issuing a writ in the nature of certiorari. The petitioner has also prayed for compensation of Rs.5 lakhs jointly and severally against the respondents.

Learned counsel for the petitioner submits that the *Istgasa* filed under Section 29 of the aforesaid Act is apparently barred by limitation, therefore, it should have been dismissed, as barred by limitation, but the concerned Court has taken cognizance and issued notice to the petitioner. He also submits that the *Istgasa* has been filed saying that there is some order of the High Court, but in fact, there is no such order passed by the High Court and in this view of the matter also, *Istgasa* if not taken to be filed independently on its merits, was not required to be filed in this case. He further submits that pertaining to the same issue, the departmental proceedings were drawn and the petitioner was exonerated in the said proceedings, therefore, this *Istgasa* could not have been filed against the petitioner on the same ground.

However, after arguing for sometime, learned counsel for the petitioner prays for withdrawal of this petition with liberty to raise all these grounds before the concerned court.

This prayer is not opposed by learned counsel for the State.

The same is allowed.

The petition is dismissed, as withdrawn, with the aforesaid liberty granted in favour of the petitioner.

Sd/-
Sunil Kumar Sinha
Judge

Shyna